

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 12, 2005. At the time of the Office Action, Claims 1-11, 16, and 19-28 were pending in this Application. Claims 1-11 and 24-28 were rejected, and Claims 16 and 19-26 were objected to. Claims 12-15 and 17-18 were previously cancelled without prejudice or disclaimer. Claims 1, 2, 5, 6, 8, 9 and 10 have been amended to further define various features of Applicant's invention. Claim 28 has been cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-2, 5, 10 or 27.

Claims 1-2, 5, 10 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication 2002/0088304 filed by Michael D. Thorum ("Thorum") in view of U.S. Patent no. 5,210,440 filed by Jon M. Long ("Long"). Applicant respectfully traverses and submits the cited art combination, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious. In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Independent Claim 1 recites a hydraulic motor vehicle gearbox control device that includes, among other elements, "a plastic hydraulic distribution plate having a metal base plate integrated therein, the metal base plate adapted for receipt of an electronic control unit for a hydraulic motor vehicle gearbox, the hydraulic distribution plate having channels therethrough for the distribution of hydraulic fluid to contact the metal base plate to cool circuit electronics of the electronic control unit housed on said metal base plate." (Emphasis added.)

Independent Claim 10 recites a method for manufacturing a hydraulic motor vehicle gearbox control device that includes, among other steps, "providing a plastic hydraulic distribution plate with channels therein for the distribution of hydraulic fluid, said hydraulic distribution plate having a metal base plate integrated within the hydraulic distribution plate

and adapted to receive an electronic control unit whereby an electronic circuit of said electronic control unit is cooled by the distribution of fluid through said plate channels, said plate channel in contact with said metal base plate.” (Emphasis Added.)

Neither Thorom nor Long teaches a gearbox control device or a method for manufacturing a gearbox control device that includes a plastic hydraulic distribution plate including a metal base plate component as recited. Accordingly, Thorom and Long considered separately or in combination cannot render obvious the Claims 1-2, 5, 10 or 27 because they fail to disclose, teach or suggest each and every claim limitation of Independent Claims 1 and 10. Applicant respectfully requests reconsideration, withdrawal of the §103 rejections and full allowance of Independent Claims 1 and 10 and Claims 2, 5 and 27 which depend therefrom.

Claims 3, 4, and 6-8.

Claims 3 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thorum in view of Long as applied to Claims 1 and 10 above, and further in view of U.S. Patent 6,160,708 issued to Josef Loibl et al. (Loibl”). Claims 4, 6, 7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Thorum in view of Long as applied to Claim 1 above, and further in view of U.S. Patent 6,164,160 issued to Roy S. Nassar (“Nassar”). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Thorum in view of Long 440, in further view of Nassar as applied to Claim 4 above, and further in view of Loibl and U.S. Patent 6,302,190 issued to Andrew Clamp et al. (“Clamp).

Applicant respectfully traverses and submits that Claims 3, 4 and 6-8 depended from Independent Claims that have been placed in condition for allowance as discussed above, thereby obviating the present rejections under §103(a). Applicant respectfully requests reconsideration, withdrawal of the rejections under §103(a) and full allowance of Claims 3, 4 and 6-8.

Allowable Subject Matter

Claims 16 and 19-26 are allowed. Applicant appreciates Examiner’s consideration of Claims 16 and 19-26. Examiner has made reference to “minor informalities” associate with Claims 16 and 19-26. 10/12/2005 Office Action, page 5. However, Applicant has been

unable to find any other mention of such minor informalities and, thus, has made no amendment to Claims 16 or 19-26.

Information Disclosure Statement

Applicant encloses an Information Disclosure Statement and PTO Form 1449, with copies of the references and a check in the amount of \$180.00, for the Examiner's review and consideration.

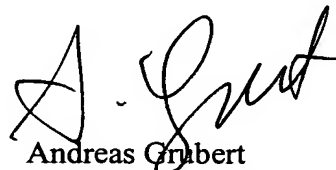
CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the claims as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,
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